

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 6276 of 1985

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

=====

1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

-----  
PATEL MAHESHKUMAR PASHABHAI

Versus

EXECUTIVE ENGINEER

-----  
Appearance:

MR MUKESH R SHAH for Petitioner

MR HL JANI for Respondents No. 1, 2, 3

-----  
CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 05/12/97

ORAL JUDGEMENT

Heard the learned counsel for the parties.

2. Prayer has been made by the petitioner for issuance of direction to the respondents to quash and set aside the impugned action of terminating his services.

3. On record of this special civil application the petitioner has not produced any document i.e. any proof

of his appointment in the office of the respondents. The petitioner has come up with a case that he was appointed as labourer in the month of August, 1980 on daily wages. In para-3 of the special civil application, the petitioner has come up with a case that all of a sudden, the respondent No.2 told the petitioner orally not to come on duty and orally his services were terminated. The petitioner has not given out the date on which his services were terminated. As per the petitioner's case he was in the Government service and even if it is taken to be a case of appointment as labourer, it is a Class-IV post and the petitioner is unable to show that there are no recruitment rules for making appointment on such post. The petitioner has not given out all the details of his employment. It being a case of daily wage appointment it comes to an end on the day itself and it is termed as a fixed term appointment for which no notice of opportunity of hearing is required to be given before terminating his services. In the matters of Government departments where the recruitments are to be regulated under the statutory provisions or the recruitments are to be made in accordance with the provisions of Articles 14 and 16 of the Constitution, for the purpose of applicability of section 25-F of the Industrial Disputes Act, 1947, it cannot be said to be an industry. I do not find any merits in this petition.

4. The special civil application is dismissed. Rule discharged.

\*\*\*\*\*

zgs/-